

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA**

**NOTICE OF DOCUMENT DISCREPANCIES**

**FILED**

2008 AUG -7 PM 2: 15

TO: ☒ U. S. DISTRICT JUDGE / ☐ U. S. MAGISTRATE JUDGE  
 FROM: R. Mullin, Deputy Clerk  
 CASE NO.: 08cv0856 LAB (RBB) DOCUMENT FILED BY: Petitioner  
 CASE TITLE: Rodriguez v. Hernandez  
 DOCUMENT ENTITLED: First Amended Petition

CLERK US DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA  
Burns

RECEIVED DATE 8/4/2008 PUTY

Upon the submission of the attached document(s), the following discrepancies are noted:

<input checked="" type="checkbox"/> Local Rule	Discrepancy
<input type="checkbox"/> 5.1	Missing time and date on motion and/or supporting documentation
<input type="checkbox"/> 5.3	Document illegible or submitted on thermal facsimile paper
<input type="checkbox"/> 5.4	<b>Document not filed electronically. Notice of Noncompliance already issued.</b>
<input type="checkbox"/> 7.1 or 47.1	Date noticed for hearing not in compliance with rules/Document(s) are not timely
<input type="checkbox"/> 7.1 or 47.1	Lacking memorandum of points and authorities in support as a separate document
<input type="checkbox"/> 7.1 or 47.1	Briefs or memoranda exceed length restrictions
<input type="checkbox"/> 7.1	Missing table of contents
<input type="checkbox"/> 15.1	Amended pleading not complete in itself
<input type="checkbox"/> 30.1	Depositions not accepted absent a court order
<input type="checkbox"/>	Supplemental documents require court order
<input type="checkbox"/>	Default Judgment in sum certain includes calculated interest
<input checked="" type="checkbox"/> X	<b><u>OTHER: Document already on file.</u></b>

Date forwarded: 8/5/2008

**ORDER OF THE JUDGE / MAGISTRATE JUDGE**

**IT IS HEREBY ORDERED:**

- ☐ The document is to be filed nunc pro tunc to date received.
- ☒ The document is NOT to be filed, but instead REJECTED. and it is ORDERED that the Clerk serve a copy of this order on all parties.

Rejected document to be returned to pro se or inmate? ☐ Yes. Court Copy retained by chambers ☐

Counsel is advised that any further failure to comply with the Local Rules may lead to penalties pursuant to Local Rule 83.1

CHAMBERS OF: Judge Burns

Dated: 8/6/08  
cc: All Parties

By: Law clerk

Benjamin D. Rodriguez

NAME

F 72457

PRISON NUMBER

480 Alta Rd.

CURRENT ADDRESS OR PLACE OF CONFINEMENT

San Diego, CA. 92179

CITY, STATE, ZIP CODE

**REJECTED**

**UNITED STATES DISTRICT COURT**  
**SOUTHERN DISTRICT OF CALIFORNIA**

Benjamin D. Rodriguez

(FULL NAME OF PETITIONER)

**PETITIONER**

v.

Hernandez, Warden

(NAME OF WARDEN, SUPERINTENDENT, JAILOR, OR AUTHORIZED PERSON HAVING CUSTODY OF PETITIONER [E.G., DIRECTOR OF THE CALIFORNIA DEPARTMENT OF CORRECTIONS])

**RESPONDENT**

and

The Attorney General of the State of California, Additional Respondent.

Civil No. \_\_\_\_\_

(TO BE FILLED IN BY CLERK OF U.S. DISTRICT COURT)

**FIRST AMENDED**  
**PETITION FOR WRIT OF HABEAS CORPUS**

UNDER 28 U.S.C. § 2254  
BY A PERSON IN STATE CUSTODY

1. Name and location of the court that entered the judgment of conviction under attack: South County Division, 500 3<sup>rd</sup> Ave. Chula Vista, CA.
2. Date of judgment of conviction: May, 3, 07
3. Trial court case number of the judgment of conviction being challenged: SCS 200483
4. Length of sentence: 20 years with "9" Stricks.